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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 October 2012 to 15 January 2013.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. In furtherance of its goals, UNMIK continues its constructive engagements with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes continue to work closely with the Mission.

II. Political developments, including the European Union-facilitated dialogue

3. On 19 October, a new phase was launched in the European Union-mediated dialogue between Belgrade and Pristina, with the convening of the first high-level meeting in Brussels between Prime Ministers Ivica Dačić and Hashim Thaçi, under the auspices of Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy. The meeting elevated the process from a primarily technical level to a political one, offering new prospects for resolving various long-standing issues in the relationship between Belgrade and Pristina. The meeting of 19 October was followed by expanded discussions held on 7 November and 4 December.

4. During the 7 November meeting, the sides made progress in their discussions on the modalities for the implementation of earlier agreements, in particular the

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agreement on the integrated management of crossing points. They also agreed to a joint feasibility study for a new highway linking Pristina and Niš (Serbia).

5. During the 4 December meeting, agreements were reached on the dates, locations and other practical arrangements for the implementation of the agreement on the integrated management of crossing points. The parties also agreed to appoint liaison officers, who would be based in the respective European Union delegation offices in Belgrade and Pristina. They also opened a discussion on the transparency of the financial support received by the Kosovo Serb communities from Belgrade and agreed to intensify cooperation on missing persons and to continue the work on energy and telecommunications.

6. Following extensive technical preparations, the high-level engagement between Belgrade and Pristina resulted in the start of the implementation of the agreement at four of the six crossing points, including at gates 1 (Jarinjë) and 31 (Bërnjak), in northern Kosovo, by the mutually agreed deadline of 31 December 2012.

7. On 13 January 2013, the National Assembly of Serbia adopted a resolution on basic principles for political talks with interim institutions of self-government in Kosovo-Metohija. The adoption was preceded by several months of discussions within Serbia on the Government "platform" outlining Belgrade's positions on Kosovo. The resolution, among other things, expresses support for the European Union-led dialogue, with a view to achieving comprehensive and mutually acceptable solutions. In Pristina, the Kosovo authorities conducted broad-based internal consultations that resulted in a public statement, issued on 14 January, outlining Pristina's positions on the key issues of the European Union-facilitated dialogue.

8. My Special Representative commended both sides for their demonstrated leadership and political courage in the dialogue process. Under his leadership, UNMIK continued to work closely with the communities on the ground and to collaborate with all other mandated international presences to enhance the prospects of success in the political dialogue.

III. Northern Kosovo and developments on the ground

9. The developments in the high-level dialogue were accompanied by a number of incidents and some tensions on the ground. These were related to the temporary re-establishment of road blocks by Kosovo Serbs in the north of Kosovo in protest against some of the terms of the integrated management of crossing points agreement; the construction of housing for Kosovo Albanian returnees in northern Mitrovica; and problems with regard to the modalities for the travel of Serbian officials to Kosovo, which, among other things, led to the cancellation of the planned visit of Serbia's President, Tomislav Nikolić, to attend an Orthodox Christmas service at the Gračanica monastery.

10. The protestors and local Kosovo Serb political leaders demanded assurances from the Government of Serbia that the new procedures at the crossing point would not affect their ability to use Serbian vehicle registration plates and identification documents and that commercial goods destined for northern Kosovo would not be subject to taxes and customs fees. Following their meeting with the Serbian President and Prime Minister in Belgrade on 6 December, the Kosovo Serb political representatives announced that they had received such assurances and that they

would suspend the protests. Nonetheless, on 9 December, on the eve of the start of the implementation of the integrated management of crossing points agreement at gate 1 in the north of Kosovo, some local Kosovo Serbs launched protests, blocking traffic and preventing the construction of the new check post at the gate from being completed.

11. On 10 December, the implementation of the agreement commenced at gate 1 in the north, where the integrated checkpoint is located on the northern side of the boundary line, and at gate 3 (Merdarë/Merdare), where it is located on the southern side. However, subsequent disputes concerning the collection of taxes and customs fees resulted in a resumption of the protest at gate 1. The issue was taken up by the technical working group in Brussels and a temporary arrangement was agreed, which specified that all goods bound for northern Kosovo would be exempt from customs fees and taxes, with the exception of excise goods (including fuel, tobacco and alcohol) in excess of 3.5 tons. However, northern Kosovo Serbs expressed dissatisfaction over the arrangement and continued to hold scheduled protests blocking the main roads three times a week for a period of two hours.

12. On 31 December, the implementation of the agreement also started at gates 5 (Končulj/Dheu i Bardhë) and 31. In Zubin Potok, the Kosovo Serbs held another protest, from 30 December to 2 January, against the travel by land of Kosovo police and customs officers to gate 31. The officers continue to be transported regularly to the gate by EULEX helicopter.

13. In addition, Kosovo Serbs reacted strongly to returnee housing construction resumed by Kosovo Albanians in the Kroi i Vitakut/Brdjani neighbourhood of northern Mitrovica and Zveçan/Zvečan. The Kosovo Serbs alleged that many of the returnees — who were beneficiaries of a government assistance and housing reconstruction programme — were not displaced former residents, as claimed by the Kosovo authorities, and were not in possession of valid construction permits. On 16 November, a group of Kosovo Serbs first blocked a secondary road and then the construction site itself, which led to a stand-off that escalated into stone throwing and resulted in a number of injured. Shots were also fired in the vicinity of the stand-off. The protestors were dispersed following an intervention by the Kosovo police who also provided a security escort for the construction workers to leave the site. Similar protests continued for a number of days, ending only after an agreement by the southern Mitrovica municipality to slow down the construction activities. Although the construction work has been halted altogether with the onset of winter, further negotiations and mediation will be required to reach a durable solution. UNMIK is working with other international presences to promote a broad consultative process that could lead to an agreement on the return process of internally displaced persons to northern Mitrovica.

14. My Special Representative continued to focus on ensuring coordination and cooperation among international presences with regard to northern Mitrovica. Such coordination has been important during the period after the cessation of salary payments from the Kosovo budget to municipal employees of the UNMIK Administration Mitrovica in July 2012, which followed the establishment by the Kosovo authorities of an administrative office in northern Mitrovica. In the absence of any indication that such payments would resume, UNMIK had no option but to serve notice to the local staff of the UNMIK Administration Mitrovica that their contracts would not be extended beyond their expiry date of 31 December 2012.

UNMIK continues to engage with all local and international stakeholders in order to facilitate practical solutions, prevent tensions and allow the UNMIK Administration Mitrovica to continue to perform its conflict prevention, mediation and facilitation role.

IV. Security

15. The overall security situation remained generally calm, with the exception of northern Kosovo, especially in northern Mitrovica, where some serious incidents were reported.

16. Between 18 November and 7 December, three incidents affecting the staff of the administrative office in northern Mitrovica, its assets and projects occurred in northern Mitrovica. In other incidents occurring in December, three private vehicles reportedly belonging to Kosovo Serb police officers from the Mitrovica North station were set on fire. On 18 December, the private car of a Kosovo Serb member of the Serbian Parliament was burnt in front of his residence in Mitrovica. On the night of 9-10 January, an unknown perpetrator opened automatic fire on a bakery in northern Mitrovica belonging to a Kosovo Serb member of the Advisory Board of the UNMIK Administration Mitrovica. Each of these incidents is presently under investigation. Kosovo police, EULEX and KFOR forces have increased their visibility and preventive efforts in response to such incidents.

17. The situation in the Kosovo Albanian majority areas south of the Ibër/Ibar River was generally calm. In response to an increase in armed robberies, bomb threats and the use of explosive devices, the Kosovo police conducted several operations to confiscate illegal weaponry.

18. On 7 January, the Kosovo police arrested 10 individuals, mostly northern Kosovo Serbs, during the Orthodox Christmas celebrations in Graçanicë/Gračanica for interfering with the Kosovo police escort of the Director of the Serbian Office for Kosovo and Metohija, refusing to provide identification, disobeying police orders and resisting arrest. They were released on 8 January, and all charges were subsequently rejected by the court. Nine of them alleged to having been beaten while in police custody. They were admitted to a hospital in northern Mitrovica; two of them, one reportedly with serious injuries, were sent to Belgrade for treatment. The Serbian authorities strongly protested the arrest and the alleged mistreatment of the detainees by the Kosovo police. EULEX and the Kosovo police Inspectorate are investigating the incident and the allegations.

19. The overall number of recorded incidents affecting minority communities has decreased, from 406 (2011) to 361 (2012). As occurred in 2011, the incidents in 2012 mainly concerned minor assaults, burglaries and thefts, arson committed on unoccupied properties and land, the illegal occupation of houses, and thefts and vandalism at religious sites. The most notable changes were a 21 per cent decrease in thefts and burglaries in 2012, compared with the previous year, and a more than 50 per cent increase in incidents of illegal woodcutting.

20. The trend in the Pejë/Pec region in the west of Kosovo has been of particular concern, with an increasing number of incidents affecting the Kosovo Serb community in Klinë/Klina and Istog/Istok municipalities. During 2012, 73 incidents, or 20 per cent of all incidents reported, occurred in those two municipalities. There

is a perception among the local Kosovo Serbs that the intention behind the crimes was to force them to leave. There is also a perception that the Kosovo police is reluctant to actively investigate incidents that involve Kosovo Serbs, which led to the decision by Kosovo Serb residents of Istog/Istok to boycott the meetings of the local community safety council.

21. The Kosovo police has undertaken efforts to respond to those concerns, including through increased participation in the municipal community safety councils. It has also adopted a community policing and action plan for 2012-2016, which seeks to place the security of Kosovo citizens at the forefront of police efforts and to increase the effectiveness and accountability of the police service. In Zveçan/Zvečan, the acting Commander of the Kosovo police station, who had been suspended for allegedly failing to obey an order to arrest the Head of the Government of Serbia's Office for Kosovo and Metohija, Aleksandar Vulin, during the latter's visit to northern Kosovo, returned to duty on 21 December.

V. Rule of law

22. UNMIK continued to monitor activities and exercise relevant responsibilities, in close coordination with EULEX, in the area of rule of law, and technical cooperation with the Ministries of Justice and Internal Affairs of Kosovo and the Ministry of Justice of Serbia.

23. UNMIK also continued to receive requests for mutual legal assistance from Serbia and non-recognizing countries. The impasse between the Ministry of Justice of Kosovo and the Ministry of Justice of Serbia on mutual legal assistance persists, with the Kosovo Ministry failing to process Serbian Ministry documents received via UNMIK and the Serbian Ministry failing to process any documents received directly from the Kosovo Ministry. UNMIK continues to direct all requests for mutual legal assistance from non-recognizing countries to EULEX for transmission to the Kosovo Ministry of Justice. The agreement on mutual legal assistance, signed on 12 August 2011 between EULEX and the Ministry of Justice of Kosovo, whereby the latter agreed to process requests received through EULEX from non-recognizing States, is being implemented with Bosnia and Herzegovina, Slovakia and Greece.

24. UNMIK continued to facilitate the interaction of Kosovo with the International Criminal Police Organization (INTERPOL) and its member States on a daily basis. UNMIK participated in the INTERPOL General Assembly session held in Rome from 5 to 8 November 2012. Following close consultations with EULEX, the UNMIK delegation conducted several meetings with INTERPOL representatives to resolve outstanding issues concerning notices from Serbia and other issues.

25. UNMIK continued to support and encourage progress on the issue of missing persons, an issue discussed during the 7 November high-level meeting held in Brussels. UNMIK participated in the Belgrade-Pristina Working Group on Missing Persons that met in Belgrade on 30 October under the chairmanship of the International Committee of the Red Cross. Both the Belgrade and Pristina delegations noted difficulties in identifying sources of new information, but agreed to intensify their efforts and enhance mutual coordination. During 2012, forensic experts working at the EULEX Department of Forensic Medicine identified the remains of 38 missing persons. A total of 51 such identifications were made during 2011.

26. On 7 and 8 November 2012, UNMIK organized a joint visit to Cyprus by Kosovo Albanian and Kosovo Serb family associations of missing persons in coordination with the Cypriot Committee on Missing Persons. The visit was funded by the Government of Serbia and Kosovo authorities. After the visit, joint recommendations were drafted stressing the importance of local ownership and of involving family associations in all discussions and decisions on the matter.

27. UNMIK continued to provide document-certification services both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status and pension documents. The implementation of an agreement on university diplomas, reached during the technical talks held between Belgrade and Pristina on 21 and 22 November 2011, is ongoing. Meanwhile, UNMIK continues to provide certification of certain types of educational documents.

28. A major reform of the Kosovo courts and judiciary began on 1 January 2013, when a new Law on Courts, Law on the State Prosecutor, Law on the Kosovo Judicial Council, Law on the Kosovo Prosecutorial Council and Law on the Special Prosecutorial Office came into force. It was accompanied by a reform of the Criminal Code and of the Criminal Procedure Code. All minor offences will fall under the jurisdiction of the newly established Basic Courts that replace the former Municipal and District Courts. The Basic Courts will be the first instance courts for minor and criminal offences, unless otherwise regulated by law. The new Criminal Procedure Code no longer allows for criminal offences to be prosecuted by private or subsidiary prosecution. Beginning on 1 January 2013, such offences are to be prosecuted ex officio. Other substantial changes include the removal of the confirmation of the indictment procedure.

29. Allegations of corruption continue to be a serious concern in Kosovo, while efforts to prosecute cases seem to be yielding some results. During the reporting period, a deputy prime minister, two former ministers, two magistrates, two mayors and other civil servants were either under investigation or indicted on allegations of corruption. In one prominent case, in November, EULEX and Kosovo police arrested three suspects on charges of corruption-related offences, including fraud and aggravated theft related to illegally received payments of some €1.4 million from the Ministry of Internal Affairs, intended as payment to the Austrian State Printing Company for production of biometric passports.

30. Public perception surveys, undertaken by the United Nations Development Programme (UNDP) on a regular basis during 2012, showed decreasing public satisfaction with Kosovo's executive, legislative and judicial institutions, and identified corruption as one of the top concerns of the public. A number of laws have been drafted in efforts to strengthen the fight against corruption, including the Law on Declaration and Origin of Wealth of Senior Public Officials and the Law on Confiscation of Property Acquired by Criminal Offense.

31. During the reporting period, there was an increase in complaints concerning the failure by local police and prosecutors to investigate crimes affecting minorities. My Special Representative conducted a number of meetings with relevant authorities and consulted closely with EULEX in an effort to encourage greater responsiveness and cooperation between interested parties in cases affecting minority communities.

32. On 20 November, the Supreme Court of Kosovo, presided over by EULEX judges, reviewed the appeal of a EULEX prosecutor against the acquittal of Democratic Party of Kosovo Vice-President Fatmir Limaj and three others on charges of war crimes in what is known as the "Kleçkë/Klečka case". The Court found the previously excluded evidence to be admissible and ordered a retrial of Limaj, a former high-ranking commander of the Kosovo Liberation Army (KLA) and Government Minister, and his three co-defendants. On 24 November, all the defendants were detained on remand. This provoked strong public reactions, including from Prime Minister Thaçi and other political leaders, who called for a parliamentary review of the EULEX mandate.

33. On 29 November, the International Criminal Tribunal for the former Yugoslavia acquitted Ramush Haradinaj, the former Prime Minister of Kosovo and KLA regional commander, following his retrial on charges of war crimes related to the 1998-1999 conflict in Kosovo. Co-defendants Idriz Balaj and Lahi Brahimaj were also acquitted. Upon his release, Haradinaj returned to Kosovo and resumed his role as the leader of the opposition Alliance for the Future of Kosovo party. He also began discussions with the ruling Democratic Party of Kosovo concerning a possible future coalition.

VI. Returns and communities

34. Most municipal community committees in Kosovo continued to function and ensure that essential aid, including transportation, food, hygienic items and firewood, were made available to those in need. Several municipalities also amended their statutes to incorporate the regulation on the establishment of the municipal office for communities and returns.

35. The voluntary returns process continues to be slow. The United Nations High Commissioner for Refugees (UNHCR) registered 239 individual voluntary minority returnees during the last three months of 2012, including 61 Kosovo Serbs, 26 Kosovo Albanians, 103 members of Roma, Ashkali and Egyptian communities, 39 Kosovo Bosniaks, 9 Kosovo Goranis and 1 Montenegrin.

36. During 2012, UNHCR recorded 970 voluntary returns of minorities to Kosovo, compared with the 1,143 recorded during 2011. The comparative breakdown of such returns by minority ethnic group for 2012 and 2011 is as follows, respectively: Serbs (302/464); Roma (125/120); Ashkali and Egyptian (305/395); Bosniak (84/60); Gorani (89/106); Albanian to minority areas (62/27); Turk (none/1); Croat (2/none); and Montenegrin (1/9).

37. The number of internally displaced persons in Kosovo stood at 17,738 as at the end of December 2012, including 921 living in collective centres.

38. UNHCR has organized four "go-and-see" visits for internally displaced persons, mostly Kosovo Serbs and members of the Roma, Ashkali and Egyptian communities, in Serbia and within Kosovo as well as for refugees from Montenegro and the former Yugoslav Republic of Macedonia. The visits highlighted the importance of dialogue between potential returnees and receiving communities in order to resolve issues, mostly related to property, vandalism and theft. Some progress was also made in the provision of municipal support for housing construction and refurbishment, as well as in the implementation of the UNHCR return and reintegration project.

39. As at the end of 2012, Kosovo had received 121 refugees and 45 requests for individual asylum — a relative decrease from 2011. Seventeen asylum seekers are currently awaiting decisions on their claims by the Kosovo authorities.

40. In 2012, UNHCR provided assistance to 2,499 individuals in obtaining personal documentation and resolving civil status issues. The United Nations Population Fund also supported the Kosovo authorities in improving interministerial coordination on that issue.

41. Municipal community safety councils, established to maintain safety in ethnically mixed areas, continued to meet regularly, with the exception of Istog/Istok, where, as mentioned earlier, Kosovo Serb residents suspended their participation in the local council and other municipal bodies, pending progress in the investigations by the Kosovo police of cases where local Kosovo Serbs and their property had been targeted.

42. During the reporting period, the Serbian authorities announced that the continued payment of salaries to employees of Belgrade-sponsored institutions in Kosovo would be contingent upon discontinuation of their employment by Kosovo institutions. This decision primarily affected the employees of the Belgrade-financed educational institutions. According to the instruction, all such employees had to declare their decision to remain on either the Serbian or the Kosovo payroll. The majority of the Kosovo Serbs concerned preferred to remain on the Government of Serbia payroll, which also provides relatively higher wages.

43. Kosovo Serbs continued to report difficulties in registering their vehicles, often due to missing Kosovo civil documents or lengthy bureaucratic procedures. the Kosovo Ministry of Internal Affairs conducted registration awareness campaigns in Kosovo Serb areas and, as a stop-gap measure, began issuing interim license plates to Kosovo Serbs whose registration documents were still under verification.

44. On 12 December, the lead-contaminated camp Osterode in northern Mitrovica was officially closed. The camp had hosted hundreds of Roma, Ashkali and Egyptian internally displaced persons over the past decade. The majority of them have been resettled into the Roma Mahala neighbourhood in southern Mitrovica or into an ethnically mixed neighbourhood in northern Mitrovica.

45. During 2012, with support from the United Nations Children's Fund, the education centre in the Leposaviq/Leposavić camp for Roma, Ashkali and Egyptian internally displaced persons supported the inclusion of children in the regular education system through preschool education activities. More than 10,000 nutrition supplements were also distributed to children to alleviate the effects of exposure to lead contamination.

46. UNMIK continued its field activities, focused especially on minority communities, in order to facilitate resolution of issues at the community level and to enhance the prospects for reconciliation. UNMIK has donated its surplus equipment — vehicles, computers and other items — to support vulnerable communities. Vehicles were also donated to the Kosovo police operating in the Mitrovica region.

VII. Cultural and religious heritage

47. UNMIK continued to facilitate the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. The fresco restoration at the Bogorodica Ljeviška Church in Prizren, funded by donations from Bulgaria, the Czech Republic, Greece, Italy and the Russian Federation, has been completed. Reconstruction work, funded by the Russian Federation, at three UNESCO cultural heritage sites, the Visoki Dečani Monastery, the Gračanica Monastery and the Peć Patriarchate, have also been completed. The tender for restoration of the Church of Dormition of Theotokos at the Gračanica Monastery has been finalized and work is expected to begin in the spring.

48. KFOR continues to provide on-site protection at the Visoki Dečani Monastery and the Peć Patriarchate. Other Orthodox patrimonial sites are now under the protection of the Kosovo police.

49. Despite the incidents surrounding the Orthodox Christmas celebrations, and growing concerns about the state of religious tolerance, constructive interaction took place between the Serbian Orthodox Church and the local authorities in Pejë/Peć municipality. They engaged in practical dialogue on a range of issues, and the local mayors were regularly invited to attend religious events. The Serbian Orthodox Church has established a study, research and documentation centre in the Peć Patriarchate, which has held several inter-faith academic and educational events, to which the Mayor of Pejë/Peć offered support in order to promote peace and reconciliation among local communities.

50. At the same time, in Deçan/Dečani, the resolution of a long-standing property dispute by a 27 December decision of the Special Chamber of the Supreme Court of Kosovo, which rejected the claims of two socially owned enterprises against Serbia and the Visoki Dečani Monastery, resulted in aggressive reactions by the local municipal leadership and suspension of their relations with the Monastery. This action caused a significant setback in the delicate efforts to build better relations and understanding between the monastic community and the citizenry in Deçan/Dečani.

51. The majority of the traditional annual visits of hundreds of Kosovo Serb pilgrims and displaced persons to churches and cemeteries for Orthodox All Souls' Day and annual patron saint days were well secured by the Kosovo police and conducted without significant incidents.

52. During the Orthodox Christmas, however, the number of pilgrims visiting Kosovo for services was significantly lower than in previous years, following announcements by some Kosovo Albanian activist groups of their intention to organize protests during the Christmas services.

53. On 6 January, the Orthodox Christmas Eve, some 20 activists of the opposition movement Vetëvendosje, along with eight members of the local association of missing persons, Voice of Mothers, attempted to block the entrance to the Church of the Assumption of the Blessed Virgin Mary [illegible] some 40 pilgrims, mostly displaced Kosovo Serbs from Gjakovë/Đakovica who currently reside in Serbia. However, the Kosovo police secured the entrance to the Church, which allowed the pilgrims to attend the services. There were almost no visits in 2013 to the Visoki Dečani Monastery during Orthodox Christmas.

54. Incidents of vandalism of religious sites and other forms of religious intolerance continued to be reported, including property damage and theft at Orthodox churches, as well as desecration of graves in Orthodox cemeteries. Twelve religious sites, including 5 churches and 7 graveyards were targets of theft and vandalism. On 15 January, over 50 Serbian Orthodox gravestones were found damaged in the cemetery in Nakarade village in Fushë Kosovë/Kosovo Polje municipality. While the incident was publicly condemned by the local mayor, and a suspect subsequently arrested by the Kosovo police, both the Kosovo Serb community and the Serbian Orthodox Church expressed concerns that this might mark an increasing trend in such instances. My Special Representative condemned the incident and called for a proactive response by the local authorities.

VIII. Human rights

55. A delegation of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities visited Kosovo from 2 to 7 December. During a final meeting with the representatives of the international community, the delegation observed that despite the existence of an adequate legal framework, its enforcement remained weak.

56. Under the coordination of UNMIK and the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights International Contact Group and its two subgroups, namely, on security incidents affecting non-majority communities and on property rights, continued to strengthen their coordination in monitoring human rights trends and advocating remedial action.

57. In October, the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender Issues of the Office of the Prime Minister of Kosovo launched a midterm review of the 2009-2015 Strategy and Action Plan on Integration of Roma, Ashkali and Egyptian Communities, which has seen little implementation to date. The review is being carried out through a participatory process, involving local and international actors, including UNMIK.

58. On the anniversary of the adoption of Security Council resolution 1325 (2000), on 31 October, Kosovo authorities, UNMIK, international organizations and civil society representatives participated in a meeting funded by the European Union Office in Kosovo and EULEX to assess the progress and challenges in the implementation of the resolution in Kosovo. The drafting of a Kosovo action plan for the implementation of the resolution is advancing, with a special focus on addressing violence against women.

59. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) facilitated a dialogue in Istanbul in December among women leaders that involved parliamentarians from Kosovo and Serbia, members from six countries of the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe, and civil society representatives. The participants pledged to continue organizing joint events in Serbia and Kosovo, as well as a regional conference on women in politics.

60. UN-Women also organized a high level round table, with the participation of Kosovo authorities, UNMIK and other international representatives, on the status of survivors of conflict-related sexual violence. Challenges continue to exist to the

effective investigation and prosecution of sexual violence-related war crimes in Kosovo. For example, the applied Law on the Status and the Rights of the Martyrs, Invalids, Veterans and Members of the Kosovo Liberation Army, Civilian Victims of War and their Families does not explicitly include the survivors of conflict-related sexual violence and torture as a category.

61. On 14 December, an organized group violently disrupted the launch of the latest edition of the biannual journal *Kosovo 2.0*, which focuses on sexuality, including homosexuality, in the Western Balkans. The violence was condemned by the Kosovo authorities, UNMIK, representatives of international organizations and diplomatic offices, as well as non-governmental organizations. Four Special Rapporteurs of the Human Rights Council addressed a letter of concern to my Special Representative, which he transmitted to the Prime Minister of Kosovo. On 16 December, four individuals broke into the premises of a non-governmental organization working on lesbian, gay, bisexual and transgender issues and attacked one of its members. The website of an international non-governmental organization that condemned the attack was hacked and shut down. The Kosovo police have formed a specialized task force to investigate those incidents.

62. In December, a representative of the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender Issues informed that the Government had abandoned its action plan for the implementation of the Anti-Discrimination Law in favour of considering amendments to the Law. This constitutes a major success for civil society and international organizations, including OHCHR, which advocated amendments of the Law to ensure its more effective implementation.

IX. Observations

63. An essential step forward was achieved with the elevation of the Belgrade-Pristina dialogue to a high political level under the stewardship of the European Union. I commend the leaders on both sides for embarking upon this challenging yet vital political process, aimed at resolving the most difficult issues hampering progress in their mutual relations. I wish to express my appreciation to the High Representative for Foreign and Security Policy of the European Union for personally facilitating the high-level talks.

64. I am heartened by the practical and constructive atmosphere that has characterized the high-level engagement so far and by the early results, which have already become visible on the ground. While many difficult issues still lie ahead, the resumption of talks is a strong signal of the commitment by both sides to peaceful dialogue and overcoming the burdens of the past conflict. I strongly encourage Belgrade and Pristina to sustain the momentum and commitment in the face of challenges that may emerge in addressing some of the most sensitive unresolved issues.

65. I also commend the international presences for working in concert to seize the opportunities created by this new political initiative, and to address practical problems on the ground in the framework of their respective mandates. Events during the reporting period demonstrate both the continuing fragility of the situation on the ground and the potential for continued stabilization, provided there is sustained political leadership and good will.

66. With regard to the situation in northern Mitrovica, coordinated action and attention are needed to ensure that the difficult issues are addressed in good faith in order to avert future tensions and that essential municipal services continue to be provided to the local population. In that context, it is regrettable that the expectation to pay the salaries of civil servants employed at UNMIK Administration Mitrovica has not been met. The political dialogue and local mediation efforts should be used to help to avoid any escalation of the situation and to promote consensual and durable solutions.

67. Of equal importance to the high level political process, are sustained and well-grounded efforts to promote reconciliation and to increase trust among the communities in Kosovo. The international presences play a vital role in promoting this objective. However, its achievement also requires commitment and sincere efforts by the political leadership at all levels, local non-governmental organizations and civil society. In difficult economic times, these challenges are yet greater. However, active efforts at both political and community levels are required for progress to be achieved towards a more prosperous and secure future.

68. Acts of intolerance, such as those that occurred during the Orthodox Christmas holiday in 2013, do no justice to the aspirations of Kosovo society and should be met by firm and effective responses by the Kosovo authorities. I renew my call for unity among responsible actors to positively influence the situation on the ground in Kosovo, and for unambiguous support for the path of peaceful progress through dialogue, the only path leading towards lasting stability and prosperity.

69. I express my gratitude to my Special Representative, Farid Zarif, for his leadership of UNMIK and his efforts to promote consensus solutions and to deepen cooperation among the key stakeholders. I commend the staff of UNMIK for their commitment and efforts to fulfil the responsibilities and objectives of the United Nations.

70. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — KFOR/NATO, the European Union and OSCE, as well as the United Nations agencies, funds and programmes — for their support and close cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the rule of law sector and to implement its executive functions, in accordance with its mandate. Mixed panels of local and EULEX judges have either ruled or are in the process of adjudication in a number of high-profile war crimes, corruption and organized crime cases. During the reporting period, EULEX remained actively committed to Kosovo legislative processes and to supporting the European Union-facilitated Pristina-Belgrade dialogue. On 10 December, the integrated management of crossing points agreement started to be implemented at gates 1 and 3 (Rudnica/Jarinjë and Merdarë/Merdare crossing points).[a] Implementation at gates 5 and 31 (Končulj/Dheu i Bardhë and Běrnjak/Tabalije crossing points) commenced on 31 December. The Special Investigative Task Force continued its work, in line with its mandate, in investigating allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty, on illicit trafficking in human beings and human organs. The discovery of two unexploded hand grenades within the perimeter of gate 31 (Běrnjak/Tabalije) in Zubin Potok municipality represents a serious threat to EULEX staff and assets in the area.

2. EULEX activities, October 2012 to January 2013

General

On 9 November, the EULEX Head of Mission, the European Union Special Representative and the Kosovo Deputy Prime Minister/Minister of Justice co-signed the "Compact", which includes the common rule of law objectives for Kosovo institutions, the European Union Office and EULEX. The document will help guide continued rule of law reform efforts in Kosovo and allow regular review and stocktaking of progress achieved.

On 16 November, the EULEX Head of Mission held a series of meetings with officials in Belgrade, including Serbian Prime Minister Ivica Dačić and the Director of the Serbian Office for Kosovo, Aleksandar Vulin. The key issues discussed included the continued cooperation between Serbian institutions and EULEX in the rule of law area and the implementation of agreements made in the European Union-facilitated dialogue, including the integrated management of crossing points agreement.

On 17 December, Kaçanik/Kačanik Municipal Court issued an order to detain and arrest the former Mayor, Xhabir Zharku. On the same day, Zharku sent a letter

[a] The names of the crossing points have been established by the integrated management of crossing points agreement.

to media outlets saying that he did not intend to comply with the decision. On 21 April 2011, Zharku had been sentenced by Pristina District Court to three years of imprisonment. The ruling issued by Pristina District Court was appealed to the Supreme Court, which confirmed the ruling of the Pristina District Court in May 2012. At the time of reporting, Zharku remains at large, and his whereabouts are unknown. The failure of the authorities to implement the Court's decision represents a notable challenge to rule of law in Kosovo.

On 7 January, Kosovo police detained 10 persons from the north of Kosovo in Graçanicë/Gračanica on the suspicion of being Aleksandar Vulin's unofficial close protection officers. EULEX monitors visited the detainees on the day of their arrest and witnessed part of their appearance in front of a judge the following day. No complaints about their treatment by Kosovo police were made on either occasion. After their release, late on 8 January, serious allegations of maltreatment emerged in the media, some of which were also raised with EULEX monitors, who went to meet them the following morning. In response to the allegations, the Police Inspectorate of Kosovo and EULEX police launched a preliminary investigation. On 15 January, the Chief EULEX Prosecutor issued a ruling to initiate a criminal investigation against at least one suspect police officer believed to have been identified through photographic evidence.

War crimes

On 20 November, based on an appeal filed by the Special Prosecution Office of Kosovo, a panel of two local and three EULEX judges at the Supreme Court annulled the verdict of the first instance court in the so-called Kleçkë/Klečka case. The case is related to war crimes allegedly committed in a Kosovo Liberation Army (KLA) detention facility in Kleçkë/Klečka and involves former KLA commander and current member of Parliament Fatmir Limaj, high-ranking police officer Nexhmi Krasniqi and two more co-defendants. In its ruling of 21 March 2012, the first instance court had ruled all evidence pertaining to the deceased key witness, "Witness X", inadmissible. As a consequence, all had been acquitted owing to lack of evidence. The Supreme Court, however, declared the evidence admissible and sent the case back to the first instance court for retrial. Since it had also declared that it did not have jurisdiction over the prosecutor's application for detention on remand, the Special Prosecution Office of Kosovo submitted the application to the Pristina District Court. On 23 November, the Pristina District Court granted the application and the defendants were taken into custody the same day. On 24 November, a EULEX judge ordered detention on remand for them. On 27 November, a mixed panel of the Supreme Court rejected the appeal by the defence lawyers against the decision.

On 11 December, also based on the appeal filed by the Special Prosecution Office of Kosovo, the mixed panel of the Supreme Court decided against the judgement of acquittal of the further six defendants in the same case and sent their case back for retrial to the first instance court with the same reasoning. On the same day, the EULEX presiding judge of the retrial panel of the first instance court ordered detention on remand against four defendants and house detention against two accused. Appeals by the defendants against the security measures were rejected by a mixed panel of the Supreme Court on 18 December.

The decision to retry the case and the introduction of the measure of detention on remand sparked harsh criticism from senior Kosovo officials, misguided efforts by the Pristina authorities to meddle with the judicial process and attempts to interfere with the judicial process.

On 23 November, a panel of one local and two EULEX judges at the Pristina District Court acquitted Aleksandar Bulatović due to insufficient evidence. He had been charged with war crimes.

On 19 December, a panel of one local and two EULEX judges at the Supreme Court replaced the measure of house detention with detention on remand for two months against Sabit Geci, Rustem Geci and Hetem Geci charged with war crimes (two of them members of the Kosovo security force). The case is at the indictment stage. The indictment was filed in mid-December. The initial hearing on the confirmation of indictment is scheduled for 17 January.

Organized crime and corruption

On 19 October, a mixed panel of two EULEX judges and one local judge at the Pristina District Court found Kolë Puka (a former judge) guilty of issuing unlawful judicial decisions, abusing official position or authority, money-laundering and fraud. He was sentenced to 10 years of imprisonment and was prohibited from holding public office or practising law for three years after having served the sentence. His two co-defendants, Zef Marleku and Lon Palushaj, were acquitted of all charges.

On 4 November, a EULEX judge at Pejë/Peć District Court ordered detention on remand against four individuals who were arrested in a joint operation by EULEX and the Kosovo police. The four suspects were charged with accepting stolen goods and fraud. A large amount of gold was seized during the operation.

On 12 November, three individuals were arrested, including a German citizen, in a joint operation by EULEX police and the Kosovo police, for alleged misuse of €1.4 million in the so-called passports corruption affair. The case is being prosecuted by a team comprising one EULEX prosecutor and one local district prosecutor.

On 16 November, a EULEX prosecutor from the Special Prosecution Office of Kosovo filed an indictment against member of Parliament Fatmir Limaj and six co-suspects for organized crime and other corruption-related offences. Following the leak of wiretapped conversations of senior politicians, part of the indictment material, the government sent a draft law on interception of telecommunications to the Assembly of Kosovo on 14 December. The draft law puts the Kosovo Intelligence Agency in the position to monitor all lawful investigative interceptions before they are handed to the prosecution. EULEX had been involved in the drafting of the law from the beginning, insisting that there must be a separation of judicial and intelligence interception.

On 6 December, a EULEX judge at Gjilan/Gnjilane District Court confirmed the indictment against Bajram Sabedini and three other persons accused of organized crime and smuggling of migrants.

On 7 December, a panel of one EULEX and two Kosovo judges at Prizren District Court acquitted Resmije Osmani and Gëzim Rexhaj of charges connected to money-laundering, tax evasion, smuggling of goods and the misuse of economic authorization.

On 13 December, eight suspects were arrested and eight locations searched in a joint EULEX-Kosovo police investigation, supervised by a EULEX prosecutor from the Special Prosecution Office of Kosovo. The suspects were charged with organized crime and smuggling of migrants.

On 24 December, the Pristina District Court confirmed the indictment against four defendants, including two former Ministers of Culture, Astrit Haraqija and Valton Beqiri, accused of abuse of official duty or authority. The case is being prosecuted by a local prosecutor.

On 28 December, a EULEX judge at the Pristina District Court rejected the application for termination of detention on remand of Ilir Tolaj (former Permanent Secretary of the Ministry of Health). The defendant is accused of abuse of official position or authority. On 10 January, the trial against the defendants started.

Other key cases and issues

On 16 October, EULEX police arrested three individuals suspected of being members of a terrorist organization that claimed responsibility for three attacks on Serbian police in Dobrosin (crossing point 65), in Bujanovac municipality in Serbia. Two of the three individuals are suspected of having taken part in the most recent attack, which occurred on 7 October 2012. The case is being prosecuted by a EULEX prosecutor from the Special Prosecution Office of Kosovo. On 17 October, a EULEX pretrial judge at Gjilan/Gnjilane District Court ordered detention on remand for the arrested individuals. On 18 October, in a joint operation, EULEX and Kosovo police arrested a fourth person, in connection with the same case. The EULEX pretrial judge ordered detention on remand for the fourth suspect.

On 6 November, a EULEX judge partially confirmed the indictment against five defendants in the so-called March 2008 riots case. The indictment was fully confirmed against a sixth defendant and dismissed against another. The defendants were charged in relation to the unlawful attack on Mitrovica District Court on 17 March 2008. The events led to the death of one UNMIK International Police Officer and injuries to many others, including KFOR soldiers.

On 7 November, the Supreme Court, in a panel composed of three local judges and two EULEX judges, reduced the sentence of Osman Zyberaj from 25 to 15 years of imprisonment on the grounds that he was in a state of diminished mental capacity at the time he had committed the crimes. The defendant was charged with the murder of Hasan Rrustemi and the attempted murder of his brother Nazim Rrustemi in October 2005. Hasan Rrustemi was known as the chief of the Serbian intelligence service for Kosovo in the 1980s.

On 8 November, the Supreme Court, rejected four appeals on behalf of three defendants suspected of terrorism against the ruling of the Gjilan/Gnjilane District Court, extending detention on remand and house detention.

On 9 November, a panel of two local judges and one EULEX judge at the Pristina District Court sentenced Arben Sfishta to six years of imprisonment for kidnapping.

On 14 November, a mixed panel of one local and two EULEX judges at Pejë/Peć District Court sentenced Driton Kelmendi to 23 years of imprisonment for aggravated murder.

On 4 December, a panel of three local and two EULEX judges at the Supreme Court rejected an appeal filed by Amir Sopa, who had been sentenced to 10 years of imprisonment on charges of terrorism.

On 17 December, a mixed panel of two EULEX and one local judge completed the trial against *Sadik Abazi et al*, also known as the *Bllaca 2* murder case. All five defendants were found guilty and sentenced to between 7 and 15 years of imprisonment.

Special Investigative Task Force

The Special Investigative Task Force was set up in 2011 to conduct a full criminal investigation into the allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty. In his report, he addressed a wide range of alleged crimes, including abduction, detention, mistreatment and murder, in addition to the much-publicized allegations of organ harvesting and trafficking. In the report, the Task Force provided information on its activities over the past quarter, noting, however, its constraints in releasing operational details so as to maintain the confidentiality and integrity of the investigation and to protect potential witnesses.

Over the past three months, the Task Force has continued to collect evidence from institutional sources, enhance cooperation with third States and conduct operational investigative activities. Information collected thus far from institutional sources has provided helpful background material for the more operational phase of the investigation, which includes witness interviews with individuals who may have information relevant to the Task Force inquiry.

As in the previous quarter, the Lead Prosecutor of the Special Investigative Task Force, Clint Williamson, continued his discussions with relevant countries regarding cooperation and witness relocation matters.

On 17 and 18 October, Mr. Williamson travelled to Serbia to meet with officials of the newly formed Government in Belgrade. He held positive and fruitful discussions with President Tomislav Nikolić and Prime Minister Ivica Dačić, as well as with the State War Crimes Prosecutor, Vladimir Vukčević. In their respective meetings, and in subsequent public statements, President Nikolić and Prime Minister Dačić both voiced their strong support for the work of the Special Investigative Task Force and pledged continued full cooperation by Government of Serbia institutions. Discussions with Vukčević focused on the ongoing operational cooperation between his office and Williamson's team of investigators and prosecutors.

On 13 and 14 November, Williamson met in Vienna with senior officials from the Austrian foreign affairs, justice and interior ministries, who confirmed their willingness to provide tangible support in areas of critical importance to the investigation. Immediately afterwards, on 15 and 16 November, Williamson went on to Skopje where he met with senior officials, including Prime Minister Nikola Gruevski, the Ministers of Justice and the Interior and representatives of the Department of European Affairs and of the Ministry of Foreign Affairs. All noted that they want to actively contribute to stability and reconciliation in the region and cooperate with European Union initiatives. The positive reception, which came from representatives across the political spectrum, serves as another example of the broad support throughout the region for the Special Investigative Task Force, adding to the

high-level political commitments received in previous visits to Pristina, Belgrade, Tirana and Podgorica.

During his most recent periodic reporting to European Union member States, the States reconfirmed their full support for the Special Investigative Task Force at the highest levels, including areas such as witness protection, information exchange and staffing. Williamson also met with representatives at various European Union institutions in Brussels.

Williamson also had follow-up meetings with senior officials in the European Commission's Directorate-General for Enlargement, who have been extremely supportive of the Special Investigative Task Force and have continued to play a very constructive role in facilitating cooperation by regional governments. As already expressed in the Commission communication on the enlargement strategy and main challenges 2012-2013, which was issued on 10 October, the European Commission reaffirmed its full support for the ongoing investigation by the Task Force. Likewise, Williamson had follow-up meetings with key members of the European Parliament. As with the European Commission, the Parliament has expressed a continuing willingness to assist the Task Force through its resolutions and other actions.

The European Union determination to support the Task Force was further underlined on 11 December in the context of the yearly discussion of European Union ministers on the Enlargement and Stabilization and Association Process. The conclusions of the Council of the European Union made explicit reference to the Task Force and underlined "the need to address impunity and ensure accountability, as well as fully cooperate and support the work of [the International Tribunal for the Former Yugoslavia] and the EULEX Special Investigative Task Force" and called for active cooperation with EULEX, including with the Task Force.

Property rights

During the reporting period the Kosovo Property Claims Commission held two sessions. Between October 2012 and January 2013, it adjudicated 1,351 mainly inter-ethnic property claims. The total number of adjudicated claims stands at 35,109, with 7,261 still to be resolved.

The Kosovo Property Agency Appeal Panel of the Supreme Court decided 64 cases between 1 October and 31 December 2012. The total number of adjudicated claims stands at 229 decisions, with 196 pending.

The backlog of more than 600 unregistered cases in the Special Chamber of the Supreme Court has been reduced to zero. Modalities are being implemented at the Special Chamber of the Supreme Court in order to prevent such a backlog from reoccurring; EULEX has also advised to moving forward expeditiously with the appointment of the Chief Registrar and Deputy Chief Registrar by the Kosovo Judicial Council, whose absence has contributed to undermining the functionality of the Special Chamber, including its Registry. Progress is being made in resolving the translation backlog through better use and management of resources and the likelihood of temporary additional translation resources by the Kosovo counterparts.

On 28 December, a mixed panel of the Special Chamber of the Supreme Court, presided over by a EULEX judge, rejected the claims of two socially owned enterprises against the Visoki Dečani Monastery. The cases relate to donation

contracts made between Serbia and the Visoki Dečani Monastery in 1997. The decision has been strongly opposed by the League of Kosovo Historians and by Deçan/Dečani Mayor Rasim Selmanaj. On 10 January, approximately 500 people protested against the decision.

Legislation

Kosovo has undertaken an important judicial reform, with the entry into force on 1 January 2013 of the Law on Courts, a new Criminal Code and a new Criminal Procedural Code. In addition, further changes in the judicial and prosecutorial system may be expected since five key legislations (Law on Courts, the State Prosecutor, the Kosovo Prosecutorial Council, the Kosovo Judicial Council and the Special Prosecution Office of Kosovo) are in the legislative strategy for 2013 and will be possibly further amended.

In the wake of the reform in place since 1 January 2013, the following important developments have taken place, which have all been monitored and supported by EULEX:

(a) The Law on Courts, which became effective on 1 January 2013, envisions a new court structure. The structure now consists of three main levels; seven basic courts, one Court of Appeals and a Supreme Court;

(b) In anticipation of the implementation of the new Law on Courts, the Kosovo Judicial Council conducted reassignments of judges and appointments of court presidents. The process (which started with consultation meetings with the judges at all the courts) was monitored by EULEX. The two EULEX Kosovo Judicial Council members participated in it in their executive capacity. The Kosovo Judicial Council in total appointed eight presidents of courts (seven presidents of basic courts and one president of the Court of Appeals). The ninth appointment, the President of the Basic Court of Pristina was cancelled upon advice from EULEX since the candidate did not fulfil the basic requirements. Subsequently, on 10 December, the Kosovo Judicial Council decided on a new candidate for the President for the Basic Court of Pristina as well as the remaining President of the Basic Court of Mitrovica;

(c) On 26 November, the Kosovo Judicial Council adopted a decision on maintaining the same composition of panels in EULEX cases after the entry into force of the new Law on Courts;

(d) According to the new law on State prosecutors, the 22 prosecutors appointed by the President of Kosovo (among which there are three minority representatives) to different offices throughout Kosovo were reassigned to the new structure, which became operational on 1 January 2013. The Kosovo Prosecutorial Council selected the prosecutors that were transferred to the new appellate prosecution office. EULEX monitored several interviews for prosecutor positions (including one minority community candidate) in the ongoing recruitment process.

The new Criminal Procedural Code of Kosovo, together with a new Criminal Code entered into force on 1 January 2013. The Criminal Procedural Code was promulgated by the President of Kosovo on 21 December 2012 and published in the *Official Gazette of Kosovo* on 27 December 2012, which did not allow sufficient time for training of the local judges and prosecutors before its entry into force. This would have been particularly relevant considering that the new Criminal Procedural

Code introduces a number of key changes from the previous one. For instance, the role of the police has significantly increased in the investigative phase, while the role of the injured party is more elaborated as the injured party can now have an increased access to the evidence. The detention regime has been amended and new deadlines are to be implemented. The confirmation stage has been removed. One of the issues currently faced by the judiciary is that the transitional provisions are contradictory to one another and there is a degree of uncertainty as to whether the new code is immediately applicable to all ongoing criminal cases.

The draft Law on Extended Powers of Confiscation of Assets Acquired by Criminal Offence, an European Commission feasibility study benchmark, which had passed the first reading at the Assembly after lengthy discussions at the ministerial level with the participation of EULEX legal experts over the previous months, still awaits adoption.

On 16 November, the Kosovo Prosecutorial Council unanimously approved the draft strategy on inter-institutional cooperation in the fight against organized crime and corruption. The development of the strategy is important for two reasons. First, it signals that the Kosovo Prosecutorial Council is taking steps towards fulfilling its policymaking role. Second, it serves as a platform for the development of cooperation between law enforcement bodies. The strategy was prepared in cooperation with EULEX.

EULEX continued to facilitate the rendering of international legal assistance with non-recognizing States. For instance, at the request of the Slovak authorities, and in agreement with the Kosovo authorities, EULEX facilitated the appropriate transmission of a request for extradition from the Ministry of Justice of the Slovak Republic to the Ministry of Justice of Kosovo, as well as the subsequent surrender of the individual from the Kosovo police to the Slovak police. Furthermore, EULEX facilitated transmission of another request for extradition from the Greek authorities to the Kosovo Ministry of Justice. The request is still in process at the Ministry of Justice.

During the reporting period the recruitment procedure for the position of Director of the Dubrava Prison was monitored by EULEX. The position has been vacant since 31 August 2012, when the Ministry of Justice decided to suspend the Director of Dubravë/Dubrava Prison and to relocate three of his deputies to other detention facilities as the result of violations of security procedures and the attempted/prevented escape of top-risk prisoners. Nine applicants were interviewed on 15 November, but none of them was found adequately qualified for the position. Following EULEX advice, the position was re-advertised.

The overcrowding of detention facilities continues to be an issue for the Kosovo Correctional Service. EULEX is currently working with the respective facility directors to prepare possible short-term solutions and long-term options to ease the overcrowding, especially at Dubrava Prison.

EULEX provided advice on three international agreements (on extradition, mutual legal assistance and transfer of sentenced persons) concluded with Albania, as well as on several other agreements of the same type for which negotiations have been initiated with Montenegro and Slovenia.

Due to the refurbishment of the Pristina Basic Court[b] starting in January 2013, court facilities will be closed for the duration of the works. This left EULEX without suitable courtroom facilities for holding court hearings for the Special Prosecution Office of Kosovo and other high-profile sensitive cases. Based on the planning for 2013, the Kosovo Judicial Council found alternate court facilities for a period of at least five months in order to conduct all sessions and court hearings related to those cases. EULEX and the Kosovo Judicial Council will continue to work together on a solution.

EULEX participated in the development of the new crime prevention strategy for the Kosovo police (2012-2017) in a working group. The anticipation is that the strategy will help to prioritize resources and provide for strategic direction in the prevention of crime.

Other key cases and issues

On 14 December, the launch of the latest edition of *Kosovo 2.0*, entitled "Sex", was interrupted when a group of approximately 20 to 30 men rushed into the venue intentionally causing material damage and disrupting the function. At the same time, approximately 100 protestors gathered to show their disapproval of the magazine launch, with several resorting to religious chanting. Later that night, two foreign embassy interns randomly passing by the venue were attacked. The incident was condemned by domestic and international organizations alike. EULEX advised the Kosovo police on undertaking dynamic threat assessments and monitored the launch of an investigation surrounding the event.

The north

The reporting period has been marred by a number of security incidents that demonstrate the volatile security environment in which the Mission continues to operate. The Kosovo Serb community's opposition to the implementation of the integrated management of crossing points agreement, and the arrest of a Kosovo Serb at gate 1, following an arrest warrant issued against him in connection with a vehicle theft case in 2000, have contributed to a period of heightened tension in the north of Kosovo. His arrest on 28 October 2012 led to approximately 400 Kosovo Serbs staging a peaceful protest in northern Mitrovica on 31 October. He was released from custody on 29 October.

In addition, the return of ethnic Albanian displaced persons to the Kroi i Vitakut/Brdani neighbourhood of northern Mitrovica and Zvečan/Zveçan continued to generate tension between the local Albanian and Serb communities. On 21 November, a detonation, which is believed to have been caused by a hand grenade, was heard close to a house under construction in the ethnically mixed area. No injuries were reported. Kosovo police requested EULEX support, and formed police units were mobilized and remained within the proximity of the area for a period of approximately one month. The incident occurred following tensions the previous day, when separate groups of Kosovo Serbs and Albanians started throwing stones at each other after UNMIK Administration Mitrovica inspectors ruled that construction had to be halted. Between 5 and 10 shots were fired by an unknown suspect during

[b] The district courts have become basic courts under the new legislation that came into effect on 1 January 2013.

the incident and Kosovo police intervened to de-escalate the situation, thus preventing further confrontation. On 22 November, Kroi i Vitakut/Brđani was the scene of a further escalation of tensions when around 200 Kosovo Serbs gathered to oppose the reconstruction of Kosovo Albanian houses. The negotiations of Kosovo police north police station officers with representatives of the protesters ended without any success. Tensions in the area remain high, and an escalation of the situation can be expected when construction resumes.

On 24 and 29 November, two unexploded hand grenades were found within the perimeter of gate 31 in Zubin Potok. EULEX dispatched a team of the Task Force Mitrovica for crime scene investigations. The discovery of the hand grenades represents a serious threat to EULEX and other staff and assets in the area.

Dialogue implementation

On 10 December, implementation of the first step of the integrated management of crossing points agreement began. Gates 1 and 3 (Rudnica/Jarinjë and Merdarë/ Merdare crossing points) began functioning in line with the agreement. EULEX is present in the capacity of its mandate and is a part of the process, but the gates are manned by members of the relevant Serbia and Kosovo customs and police authorities, in accordance with their agreement.

The first step was implemented against the background of the Serbian community leaders in north Kosovo rejecting the implementation of the integrated management of crossing points agreement and claiming that it would lead to the creation of an international border with Serbia. In addition, in the aftermath of the opening of the first two crossing points it became evident that customs procedures on goods transported to northern Kosovo from Serbia are a contentious issue. EULEX participated in implementation group meetings held in Brussels in order to resolve pending issues. On 18 December, the Belgrade and Pristina delegations in Brussels reached an understanding on an interim solution on the issue of customs procedures to be applied at gate 1 (Rudnica/Jarinjë crossing point).

Despite the arrangement reached by the parties in Brussels, representatives of the north Kosovo Serb business community decided to protest against the agreement across north Kosovo on a three-day-per-week basis, starting on 24 December, when demonstrations blocking roads for a few hours were held in northern Mitrovica, Zveçan/Zvečan and Leposaviq/Leposavić (in the vicinity of gate 1). The protests subsided on 28 December, although other localized protests in the Zubin Potok area persisted.

On 31 December, gates 5 (Končulj/Dheu i Bardhë) and 31 (Běrnjak/Tabalije) began functioning in line with the integrated management of crossing points agreement.

During the reporting period, the Mission was also actively involved in supporting the Kosovo police in the selection process for a new multi-ethnic police unit that would have the responsibility to protect religious sites. The establishment of the new multi-ethnic unit was discussed at the second meeting of the European Union-facilitated dialogue that was held on 7 November. Prime Minister Thaçi confirmed the establishment of the unit at the third meeting, held on 4 December, in the framework of the European Union-facilitated dialogue. The recruitment process

is currently taking place; however, the challenge of identifying suitable candidates for the command role needs to be addressed.

As part of a full-scale project undertaken in accordance with the implementation of the Belgrade-Pristina dialogue agreement on civil registry books, the number of certified copies of original civil/religious registry books has reached a total of 1,190, including the total number of copies certified under the small-scale project completed in the Serbian city of Niš in 2012.

Approved by Xavier Bout De Marnhac
Head of Mission

Annex II

Composition and strength of the police and military liaison components of the United Nations Interim Administration Mission in Kosovo

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo
(as at 11 January 2013)

Country	*Number*
Belgium	1
Croatia	1
Germany	1
Hungary	1
Italy	1
Turkey	1
Ukraine	1
Total	**7**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo
(as at 11 January 2013)

Country	*Number*
Czech Republic	1
Poland	1
Norway	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**